

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

KeyIn Jarmand Cohen,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 7:18-2420-BHH
)	
Rodney A. Chambers,)	
)	<u>ORDER</u>
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff KeyIn Jarmand Cohen's ("Plaintiff" or "Cohen") pro se complaint, which alleges violations of his constitutional rights pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On April 10, 2019, Defendant filed a motion for summary judgment. The Magistrate Judge issued a *Roseboro* order in response to Defendant's motion, advising Plaintiff of the summary judgment procedure and the potential consequence if he failed to respond to Defendant's motion. Notwithstanding the Magistrate Judge's warnings, Plaintiff failed to respond to Defendant's motion or to contact the Court in any way.

On June 18, 2019, the Magistrate Judge issued a report and recommendation ("Report") recommending that the Court dismiss this action for failure to prosecute in accordance with Federal Rule of Civil Procedure 41(b). Attached to the Magistrate Judge's Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The

recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court **adopts the Magistrate Judge’s Report** (ECF No. 54) and dismisses this action in accordance with Rule 41(b) of the Federal Rules of Civil Procedure.

AND IT IS SO ORDERED.

/s/Bruce H. Hendricks
The Honorable Bruce Howe Hendricks
United States District Judge

July 9, 2019
Charleston, South Carolina